

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2012 JUN -4 AM 8:50

CLERK
DEPUTY CLERK

DONNA DAVIS,
Plaintiff

v.

MARTIN'S FOODS
OF SOUTH BURLINGTON, INC.,
d/b/a Hannaford Supermarket & Pharmacy,
Defendant

Docket No. 2:12-cv-120

NOTICE OF REMOVAL

Now comes Martin's Foods of South Burlington, Inc., d/b/a Hannaford's Supermarket & Pharmacy, pursuant to 28 U.S.C. §§ 1331 and 1441 and 42 U.S.C. § 12111, *et seq.*, and files this Notice of Removal, and in support hereof sets forth the following grounds:

1. On or about May 10, 2012, Plaintiff commenced an action in Vermont Superior Court, Washington Civil Division. A copy of all process, pleadings and orders are annexed hereto as Exhibit 1.

2. Plaintiff's Complaint purports to set forth a cause of action under the Americans With Disabilities Act, 42 U.S.C. § 12111, *et seq.*, and various state law claims.

3. This Court has original jurisdiction over Plaintiff's cause of action based on 42 U.S.C. § 12111, *et seq.*, as set forth in 28 U.S.C. § 1331 and 42 U.S.C. § 12117(a). Pursuant to 28 U.S.C. § 1441, therefore, the civil action pending in Vermont Superior Court, Washington Civil Division, is removable to this Court.

4. To the extent the Complaint asserts any state law causes of action, this court would have supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over such causes of action because such claims are based on the same set of operative facts alleged in the Complaint and are so related to claims in the action within the Court's original jurisdiction that they form part of the case or controversy under Article III of the United States Constitution.

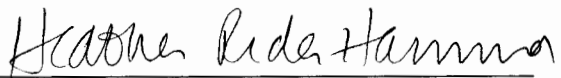
5. Defendant was served with the Summons and Complaint in this matter on May 15, 2012.

6. Thirty (30) days have not yet expired since receipt of Plaintiff's Complaint.

7. Written notice of the filing of this Notice will be served upon Plaintiff and filed with the Vermont Superior Court, Washington Civil Division.

WHEREFORE, Defendant removes this action based on original jurisdiction to the United States District Court for the District of Vermont.

Dated: Burlington, Vermont
June 1, 2012


Heather Rider Hammond, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P. O. Box 369
Burlington, VT 05402-0369
(802) 658-0220
hhammond@gravelshea.com
For Defendant Martin's Foods
of South Burlington, Inc.,
d/b/a Hannaford Supermarket & Pharmacy

<681205v1/HRH>